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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By: /James A Henricks/
James A. Henricks, 31,168

Applicant: **Marc Radow**

Serial No.: 10/807,947

Filed: March 24, 2004

Title: RIMMING COMPOSITION

Examiner: **WEINSTEIN, Steven L.**

Group Art Unit: 1761

Confirmation No. 4071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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SECOND RESPONSE TO RESTRICTION REQUIREMENT
DATED NOVEMBER 27, 2007, IN VIEW OF
NOTICE REGARDING NON-COMPLIANT RESPONSE
DATED MARCH 27, 2008

AND

FIRST RESPONSE TO NOTICE REGARDING
NON-COMPLIANT RESPONSE
DATED MARCH 27, 2008

Sir:

This responds to the Notice Regarding Non-Compliant Response dated March 27, 2008. The Notice does not indicate whether the response to the election of species is complete or acceptable. Therefore, this response is directed to the Restriction Requirement portion of the 28 December 2007 "Amendment Document". This response is being filed within one month after the date of the Notice, which relates to a non-final amendment. This response is being filed concurrently with a Second Response to Notice Regarding Non-Compliant Response, which Second Response notes the numerous unanswered phone calls made in this case by the undersigned to the Patent

Application No.: 10/807,947
Response dated: April 28, 2008
Reply to Notice of: March 27, 2008
Atty. Ref.: 501120-015

Office, and addresses the marked items in the Notice Regarding Non-Compliant Response.

Applicant reaffirms the response to the Election/Restriction Requirement dated November 27, 2007, having a shortened one month period for response to December 27, 2007, and Applicant continues to traverse the restriction requirement as not requiring separate searches.

In the Election/Restriction Requirement dated November 27, 2007, claims 16-48 are noted as pending in the application, and they are subject to an election of Species. It is understood that the claim amendments previous to the November 27, 2007 Office Action were entered.

Election

In response to the requirement of an election even with traverse, Applicant elects Species I, namely aqueous based compositions. The claims directed to aqueous compositions are claims 16, 17, 19-33, 35, 39-41, and 44-48. Claims 16, 22, 26, 33 and 39 are generic.

Please charge any additional fees that may be due or credit any overpayments to our deposit Account No. 50-0655. If a petition is required in conjunction with this paper, please consider this a request for such a petition.

Respectfully submitted,

Dated: April 28, 2008

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